



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

LISA BONNETT, INTERIM DIRECTOR

217/782-6761

Fax 217/782-3258

7009 3410 0002 3748 8934

September 13, 2011

United Neighborhood Organization (UNO)

Attn: Mr. Andrew Alt

954 West Washington Blvd., 3rd Floor

Chicago, IL 60607

Re: 0316006117/Cook County
Chicago/3434 West 51st Street Project—Remediation Site #2
Site Remediation Program/Technical Reports

Dear Mr. Alt:

The Illinois Environmental Protection Agency (IEPA) has conducted a review of your Remedial Action Completion Report (Log # 11/46860) dated September 8, 2011. The IEPA conditionally approves the above report. Please note that a final No Further Remediation letter cannot be completed until the USEPA report approving the PCB removal action, in addition to photographic documentation of engineered barriers in place on-site, have been received and approved by the IEPA.

I have also attached a draft No Further remediation letter for your review. If you have any questions, please contact me at 217/ 782-9283.

Sincerely,

Rhett M. Rossi
Voluntary Site Remediation Unit
Remedial Project Management Section
Bureau of Land

Cc: Pioneer Environmental Services, LLC
Attn: Mr. Jeffrey McClelland, P.E.
700 North Sacramento Blvd., Suite 101
Chicago, IL 60612

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(217) 782-6761

September 13, 2011

CERTIFIED MAIL

United Neighborhood Organization (UNO)
Attn: Mr. Andrew Alt
954 West Washington Blvd., 3rd Floor
Chicago, IL 60607

Re: 0316006117/Cook County
Chicago/3434 West 51st Project—Remediation Site #2
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Alt:

NOTICE: Remedial actions are not completed at this remediation site, and this draft No Further Remediation Letter does not release any person from further responsibility for remedial actions at the site in accordance with Section 58.10 of the Act. The terms and conditions contained in this draft No Further Remediation Letter are merely those proposed for inclusion in a final No Further Remediation Letter that may be issued by the Illinois Environmental Protection Agency. Until a final No Further Remediation Letter for this site is perfected as required under Illinois law (415 ILCS 58.7), the Illinois Environmental Protection Agency fully reserves its authority to take removal or remedial actions at the site in accordance with Section 4(s) of the Act and to seek recovery for remedial action costs incurred by the State of Illinois from all persons considered liable under Section 22.2(f) of the Act.

The *Remedial Action Completion Report* (September 8, 2011/Log No. 11/48660), as prepared by Pioneer Environmental Services, LLC for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (January 28, 2011/Log No. 11/46868) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 5.823 acres, is located at 3434 West 51st Street, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (November 19, 2010/Log No.10/46624), is the United Neighborhood Organization (UNO).

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
- 2) The Remediation Site is approved for Residential or Industrial/Commercial land use.
- 3) The land use specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

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Preventive, Engineering, and Institutional Controls

- 4) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

- 5) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below 4 feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

- 6) The asphalt barrier and concrete barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 7) The clean soil barrier, which is comprised of a minimum of 10 feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

8) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:

a) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:

i) The name and address of the local unit of government;

ii) The citation of Section 11-8-390;

iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;

iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;

v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and

vi) A statement as to where more information may be obtained regarding the ordinance.

b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to.

Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

i) Modification of the referenced ordinance to allow potable uses of groundwater;

ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;

iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and

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iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 10) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number H2011-0794.
- 11) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 8 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 12) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter. **DRAFT**
- 13) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
- 14) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
 - a) Any violation of institutional controls or the designated land use restrictions;
 - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;

- d) The failure to comply with the recording requirements for this Letter;
- e) Obtaining the Letter by fraud or misrepresentation;
- f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
- g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
- h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.

15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) United Neighborhood Organization (UNO);
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;
- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
- e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or

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- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 16) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the 3434 West 51st Street Project—Remediation Site #2 property.
- 17) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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- 18) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the 3434 West 51st Street Project—Remediation Site #2 property, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217 782 6761.

Sincerely,

Joyce L. Munie, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Pioneer Environmental Services, LLC
Attn: Mr. Jeffrey McClelland, P.E.
700 N. Sacramento Blvd, Suite 101
Chicago, IL 60612

Records Unit
Bob O'Hara
Rick Lucas

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575

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PREPARED BY:

Name: United Neighborhood Organization (UNO)
Mr. Andrew Alt

Address: 954 West Washington Blvd, 3rd Floor
Chicago, Illinois 60607

RETURN TO:

Name: United Neighborhood Organization (UNO)
Mr. Andrew Alt

Address: 954 West Washington Blvd, 3rd Floor
Chicago, Illinois 60607

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THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316006117

The United Neighborhood Organization (UNO), the Remediation Applicant, whose address is 954 West Washington Blvd, 3rd Floor, Chicago, Illinois 60607 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: INSERT
2. Common Address: 3434 West 51st Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: INSERT
4. Remediation Site Owner: United Neighborhood Organization (UNO)
5. Land Use: Residential
6. Site Investigation: Comprehensive

See NFR letter for other terms.